

FILED 09 JAN 08 16:05 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

FLORIN B. PIRV, an individual,

CV 06-145-PK

Plaintiff,

OPINION AND ORDER

v.

GLOCK, INC., a Georgia corporation;
GLOCK, Ges.m.b.H., an Austrian Limited
Liability Company; FEDERAL CARTRIDGE
COMPANY, a Minnesota corporation;
ALLIANT TECHSYSTEMS INC., a Delaware
corporation,

Defendants.

REDDEN, Judge:

On October 15, 2008, Magistrate Judge Papak filed his Findings and Recommendation (doc. 104) that the Glock Defendants' (Corrected) Motion to Dismiss or in the Alternative, to Preclude Plaintiff's Proposed Expert, and for Costs (doc. 59), and Defendant Federal Cartridge Company's Motion for Joinder (doc. 84) both be DENIED.

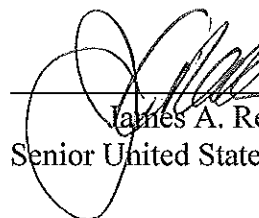
The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Civil Procedure 72(b) and 54(d)(2)(D). When a party timely objects to any portion of

the magistrate judge's Findings and Recommendation, the district court must conduct a *de novo* review of the portions of the Findings and Recommendation to which objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). In conducting a *de novo* review, the district court is not bound by the recommendations of the magistrate judge, and "may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The district court is not, however, required to review the magistrate judge's factual and legal conclusions to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Defendants timely filed objections to Magistrate Judge Papak's Findings and Recommendation. I have, therefore, given those portions of the Findings and Recommendation a *de novo* review. I agree with Magistrate Judge Papak's analysis and conclusions. Accordingly, I ADOPT Judge Papak's Findings and Recommendation (doc. 104) as my own opinion. The Glock Defendants' (Corrected) Motion to Dismiss or in the Alternative, to Preclude Plaintiff's Proposed Expert, and for Costs (doc. 59) and Defendant Federal Cartridge Company's Motion for Joinder (doc. 84) are DENIED.

IT IS SO ORDERED.

DATED this 8 day of January, 2009.


James A. Redden
Senior United States District Judge